REMARKS

Claims 1-8 are pending. Claims 1, 2 and 4-8 have been amended to improve their form. No new matter is presented.

Applicants thank the Examiner for the indication that claims 1-3 are allowed.

Claims 4 and 7 are rejected under 35 USC 103(a) as being unpatentable over Tourunen, U.S. Patent No. 7,167,475 in view of Hanna, U.S. Patent No. 6,335,939. Claim 5 is rejected under 35 USC 103(a) as being unpatentable over Tourunen as modified by Hanna and in further view of McGowan, U.S. Patent 6,628,954. These rejection are respectfully traversed.

The Examiner admits that Tourunen does not disclose that the control network node contains a filter function which is used to filter incoming data packets on the basis of a destination address which is respectively indicated in the data packets. The Examiner asserts, however, that Hanna teaches this feature and that it would have been obvious to have modified Tourunen in view of Hanna to create the claimed invention.

As disclosed in col. 1, lines 25 to 35 and col. 4, lines 2 to 5, Hanna solves the problem of connecting a fast Ethernet with a slower Ethernet. If the packets arriving from a fast Ethernet were simply forwarded to the slower Ethernet, the slower Ethernet would be congested. Therefore, the filter 42 filters the data packets transmitted from the 100Mb/s ports to the 10Mb/s ports in order to avoid congestion of the 10Mb/s ports. How this is done is disclosed in col. 4, lines 17 to 28 of Hannal. The basic principle is that only those packets are forwarded to the slow Ethernet by the repeater that are really addressed to hosts that are located in this slow Ethernet.

The Examiner asserts that one would have been motivated to modify Tourunen with Hanna "to correctly transmit the data packet to its destination, by doing so, the data packets contain [sic] mismatched address can be discarded." However, applicants submit that the Examiner has mischaracterized Hanna and that one of ordinary skill in the art would have no reason to modify Tourunen in view of Hanna to create the claimed invention. Hanna does not consider whether

addresses are mismatched, but rather passes all transmissions to the 100 Mb/s, and then passes the transmissions that specify transmission of data to 10 Mb/s domain to that domain from the 100 Mb/s. Applicants submit that the Examiner has failed to set forth why one of ordinary skill in the art would want to modify Tourunen to provide this feature.

Claim 7 is allowable at least due to its dependency, and further in view of the following.

The Examiner admits that neither Tourunen nor Hanna actually teach the feature of this claim, but asserts that it is well-known that each packet is individually routed or switched to the destination address, and that therefore individual packets for a single body of data may traverse the packet switching network by different routes. Therefore, it would have been obvious to implement the system to route the individual packets to the destination in a different order from which they were shipped, to be reassembled at the destination in the proper sequence based on the packet identifiers (by-passing other nodes if necessary).

Applicants submit that the Examiner misunderstands the term "by-passing." What the term "by-passing" means is disclosed on p. 5, last paragraph and p. 6, para. 1 of the instant application. This term means that the routing function does not route selected data packets along the normal route, i.e. the route from the SGSN to the GGSN, but instead it directly routes the packets to the RNC-B, i.e. it bypasses the GGSN. The repeater disclosed in Hanna does not render this function obvious. This is because the filter 42 does not modify the route that packets take. Instead, the filter simply does not forward packets to the slow Ethernet that are not addressed to hosts that are only reachable via the slow Ethernet. Therefore, Hanna cannot render obvious the claimed routing function.

Also the general knowledge of a person skilled in the art that packets in a data network may take different routes and are reassembled in an appropriate order at the receiver does not render the bypassing according to the present invention obvious because the two concepts are very different. This is because by-passing the GGSN means deflecting the packets from the route that the packets are supposed to take. Thus, the packets are not redirected to an alternative (equivalent) route

(like in conventional data networks), but they are redirected to an unusual, formerly not intended route.

Accordingly, applicants request that this rejection be withdrawn.

Claim 5 is rejected under 35 USC 103(a) as being unpatentable over Tourunen as modified by Hanna and further in view of McGowan (U.S. Patent No. 6,629,954). This rejection is respectfully traversed.

The Examiner states that a combination of Tourunen and Hanna discloses the invention, but does not disclose that the control network node contains a table which records all subscribers managed by the control network node with the addresses appropriately associated with the subscribers. However, the Examiner asserts that McGowen teaches this feature.

Claim 4 defines the control network node as a control network node at which mobile subscribers are managed on the basis of their current location. This means that the control network node is in the access network (a network that contains the base station via which the mobile subscriber currently communicates) and not in the subscriber's home network. Claim 5 specifies that this control network node (in the access network) contains a table which records all subscribers managed by the control network node with the addresses appropriately associated with the subscribers.

By contrast, McGowan discloses that such a table is present on an SCP 112, 212, which is always located in the subscriber's home network (col. 1, lines 54 to 56; col. 4, lines 15 to 20). This means that in McGowan, the table is not in the access network, but in the subscribers home network. In addition, McGowan et al. teaches away from storing this table in the access network because it states in col. 8, lines 16 to 19, that keeping the subscriber's data in the home network has the advantage that no additional signaling to the SCP is generated by a handoff between SGSNs during the data session, i.e. roaming is easier.

Thus, a control network node in the access network containing a table which records all subscribers managed by the control network node with the addresses appropriately associated with the subscribers is neither shown in McGowan, nor is it rendered obvious because it teaches away.

Thus, applicants request that this rejection be withdrawn.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 449122081200.

Dated: May 7, 2007   Respectfully submitted,

                                                By _____

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